

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 19-cr-142-LM

Nathan Craigue

O R D E R

On December 4, the government provided defense counsel with a notice of evidence arguably subject to Rule 404(b) that it intends to introduce in its case-in-chief. See doc. no. [61](#) at 3 (404(b) notice). On December 8, the defendant filed a request for a scheduling conference, to be held at today's hearing, to set a deadline for him to respond to the government's 404(b) notice and file additional motions to exclude. See id. at 1.


Given that much of the evidence contained in the government's 404(b) notice overlaps with categories of evidence the defendant has sought to exclude in his second motion in limine (doc. no. [36](#)), the court finds it prudent to permit the defendant to file a written response to the government's notice containing objections to the admissibility of the evidence contained in the notice. The response may request the exclusion of evidence contained in the 404(b) notice. The defendant shall file his response on or before December 24, two weeks from today. The government may file a reply on or before January 7, 2021.

The defendant also seeks the scheduling of a hearing on the admissibility of the evidence in the government's notice. The defendant requests that this hearing occur at a separate date from the motions hearing that was originally scheduled for today. Though that request was seemingly originally made due to time-based exigencies that have been lessened by the continuance of today's hearing until next week, separate hearings are still sensible given the number of motions already pending and the fact that trial in this case has been continued.

Our course of action is as follows. At next week's video hearing, the court will hear argument on the defendant's first, fourth and fifth motions in limine (doc. nos. 35, 47, and 49). The court will also hear argument on the jury instructions issue at next week's hearing.

After the government files any replies to the defendant's response, a video hearing will be scheduled on any evidentiary exclusions requested in the defendant's response, as well as the defendant's second motion in limine (doc. no. 36).

SO ORDERED.



Landya McCafferty
United States District Judge

December 10, 2020

cc: Counsel of Record